

## REMARKS

### Compliance with 35 U.S.C. §102(a)

Claims 1-12 and 14 were rejected under 35 U.S.C. §102(a) as being anticipated by Yamamoto (WO 03/039644). However, the publication dates of Yamamoto (WO 03/039644) and priority documents to which it claims priority are all after the priority date for the instant application of August 8, 2002. The relevant references and dates are summarized below:

#### Present Application

National Phase 371(c) date: February 4, 2005

International Application: PCT/JP2003/009972; Filed August 6, 2003

Priority Document: JP2002-231160; Filed August 8, 2002

#### Yamamoto (WO 03/039644)

Publication Date: May 15, 2003

Priority Document #1: JP2002-91794; Published July 15, 2003

Priority Document #2: JP2001-339707; Not published

To qualify under 35 U.S.C. §102(a), a reference must be “described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.” The earliest publication date for the Yamamoto application is May 15, 2003, which is before the international filing date of the present application, but after the claimed priority date of the present application. The priority date for the present application is based on a Japanese patent application filed on August 8, 2002.

Although Applicant’s attorneys are not currently in possession of an English language translation of the priority application, a copy of the drawings from the Japanese priority application No. 2002-231160, and a copy of the drawings from the international publication No. WO 2004/014478 are provided herewith. It can be seen that the drawings from the Japanese priority application are virtually identical to the drawings of the international publication of the present application. It can also be seen that the textual material in Figures 5 and 6 is identical in both the priority application and in the published drawings of the international application. This

textual material has been translated into English in the drawings provided upon entry into the U.S. national phase. A copy of the translation of Figures 5 and 6 from the U.S. publication of the present application (Publication No. 2005/0245873) is attached hereto for the convenience of the Examiner.

The subject matter of the currently pending claims is shown in the drawings which were present in the priority application. Accordingly, the currently pending claims are entitled to the benefit of the filing date of the priority application on August 8, 2002. Since this date is before the May 15, 2003 publication date of the Yamamoto publication, the Yamamoto publication does not qualify as prior art under 35 U.S.C. §102(a).

It should be noted that the Yamamoto publication is the publication of an international application which was published in a language other than English. Accordingly, the Yamamoto publication cannot qualify as prior art under 35 U.S.C. §102(e). Since the Yamamoto reference does not qualify as prior art under any statute, withdrawal of the rejection over Yamamoto is respectfully requested.

### CONCLUSION

In view of the above, the claims are now in condition for allowance. As such, allowance of the claims at an early date is solicited. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

A check in the amount of \$510 to cover the fee for the required three-month extension of time is attached. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 18 Dec. 2006

By: Daniel Altman  
Daniel E. Altman  
Registration No. 34,115  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404